

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CitiMortgage Inc.
Plaintiff

v.

Alfie Martinez-Martinez
Defendant

Civil No.

Foreclosure of Mortgage (In Rem)
Collection of Monies

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW plaintiff, through the undersigned legal counsel and respectfully states and prays:

1. Jurisdiction is conferred upon this Court by virtue of 28 U.S.C. sec. 1332. There is complete diversity of jurisdiction among the parties and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.
2. Venue is proper in this Court pursuant to 28 U.S.C. sec. 1391 due to the fact that the real property in question is located in Puerto Rico.
3. Plaintiff is a corporation with its principal place of business located at 1000 Technology Drive O'Fallon, MO 63368.
4. Defendant, upon information and belief is resident of Cond. Doña Raquel, Apt. B-12, Calle del Parque #173, San Juan, Puerto Rico 00902.
5. On April 11, 2003 for value received, debtor Alfie Martinez Martinez,

subscribed a mortgage note payable to Citibank, N.A., or to its order, for the principal amount of \$124,500.00, with interest at the rate of 6 3/4% per annum, due on May 1, 2033, guaranteed with a mortgage constituted by deed number 217, executed in Guaynabo, Puerto Rico, on April 11, 2003, before notary public Raul Rivera Burgos, recorded at the Registry of the Property of Puerto Rico Santurce Norte, Page 38 overleaf of Volume 1020 of Section First of San Juan, property number 41,880.

6. On December 27, 2007 for value received, debtor Alfie Martinez Martinez, subscribed a Modification of Mortgage Deed, in which the principal amount was modified to \$126,184.68, with monthly payments of \$913.10 which includes principal and interest, but it excludes the sum required for the payment of insurance and/or taxes. The payments will be started on January 2, 2008, and due on May 1, 2033. This modification was constituted by deed number 80, executed in San Juan, Puerto Rico, on December 27, 2007, before notary public Delmarie Christine Broco Medina, recorded in the margin of page 38 overleaf of Volume 1020 at the Registry of the Property of Puerto Rico Santurce Norte, Entry 670 of Book of Daily Entries 1085 of Section First of San Juan, property number 41,880.
7. The plaintiff is currently the owner and holder of said mortgage.

8. For the purpose of securing the payment of the principal amount of the note, plus three additional amounts to cover interest in addition to those secured by law, advances under the contract and attorney fees and costs in case of judicial collection, the defendants executed a mortgage upon the following property, described in the Spanish language as follows:

---URBANA: PROPIEDAD HORIZONTAL: Apartamento Número "B" guión Doce (B-12). Apartamento residencial individualizado en la Tercera Planta del Edificio "B" del CONDOMINIO DOÑA RAQUEL, localizado en el #173 de la Calle del Parque, Barrio Santurce, de esta ciudad de San Juan, Puerto Rico, con una cabida superficial de 1,260.3 pies cuadrados, equivalentes a 117.1 metros cuadrados. En lindes: por el NORTE, en una alineación de 28'0", con el patio lateral; por el SUR, en una alineación de 17'10", con el vestibulo y escaleras; por el ESTE, en dos alineaciones que suman 65'4", con el patio trasero del Condominio y el Apartamento "B"; y por el OESTE, en una alineación de 69'6", con el área de recreo comunal y el patio del Condominio. Consta este Apartamento de tres dormitorios, sala-comedor, cocina, un cuarto de baño completo, un cuartito de lavandería con su pileta y servicio sanitario separado y un balcón orientado hacia el patio del Condominio. Tiene su puerta de salida al vestibulo con acceso al área de recreación comunal a los pasillos laterales y a la salida del Edificio en la Calle Parque.

Le corresponde una participación de 5.45% en los elementos comunes generales.

---Inscrita al Folio 37 del Tomo 1020 de Santurce Norte, Registro de la Propiedad de Puerto Rico, Sección Primera de San Juan. Finca 41,880.

9. Defendant is the owner in fee simple of the property described above.

10. Defendant is currently under default. Pursuant to the terms and conditions of the mortgage and the mortgage note, due to Defendant's default, Plaintiff has the right to, and has in fact, declared the note due and payable. The amounts due and payable to date are as follows: \$125,553.13 for principal, interest on such principal at the rate of 6 3/4% per annum from April 1, 2008 on and until full payment, plus \$1,261.84 for attorney fees and costs.
11. Plaintiff's efforts to collect on the debt have been unsuccessful.
12. The minimum bid stipulated in the mortgage for the first public sale of this property is \$126,184.68.

WHEREFORE, plaintiff demands judgment authorizing that the property described in paragraph seven (7) hereinabove be sold at public auction and that the money due to plaintiff be paid from the proceeds of the sale.

Respectfully Submitted.

In San Juan, Puerto Rico, this October 20, 2010.

s/ Karen Márquez Casillas
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